

agreement with the State of Alaska, the Secretary is authorized to expend on the highway any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum, and that any obligation limitation enacted for fiscal year 1983 or for any other fiscal year thereafter shall not apply to such projects.

1975—Subsec. (a)(1). Pub. L. 94-147 struck out provision requiring that the right-of-way granted by the Canadian Government shall forever be held inviolate as part of such highways in public use.

#### ALASKAN ROADS STUDY; INVESTIGATION; REPORT TO CONGRESS

Pub. L. 94-280, title I, § 151, May 5, 1976, 90 Stat. 448, provided that:

“(a) The Secretary of Transportation is authorized to undertake an investigation and study to determine the cost of, and the responsibility for, repairing the damage to Alaska highways that has been or will be caused by heavy truck traffic during construction of the trans-Alaska pipeline and to restore them to proper standards when construction is complete. The Secretary of Transportation shall report his initial findings to the Congress on or before September 30, 1976, and his final conclusions on rebuilding costs no later than three months after completion of pipeline construction.

“(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of \$200,000 for the purpose of making the study authorized by subsection (a) of this section.”

#### APPROPRIATIONS AUTHORIZATION

Section 127(b) of Pub. L. 93-87 provided that: “For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of \$58,670,000 to be expended in accordance with the provisions of section 218 of title 23 of the United States Code.”

#### [§ 219. Repealed. Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173]

Section, added Pub. L. 93-643, § 122(a), Jan. 4, 1975, 89 Stat. 2289; amended Pub. L. 94-280, title I, § 135(a), May 5, 1976, 90 Stat. 441; Pub. L. 95-599, title I, § 168(d), Nov. 6, 1978, 92 Stat. 2723; Pub. L. 96-106, § 10(a), Nov. 9, 1979, 93 Stat. 798, related to projects for safer off-system roads.

### CHAPTER 3—GENERAL PROVISIONS

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#### AMENDMENTS

1991—Pub. L. 102-240, title I, § 1034(b), title VI, §§ 6003(b), 6004(b), Dec. 18, 1991, 105 Stat. 1978, 2168, 2169, added items 303, 325, and 326.

1987—Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173, struck out item 322 “Demonstration project—rail crossings”.

1983—Pub. L. 97-449, § 5(d)(2), Jan. 12, 1983, 96 Stat. 2442, struck out item 303 “Bureau organization”.

1973—Pub. L. 93-87, title I, §§ 145(b), 162(b), Aug. 13, 1973, 87 Stat. 273, 280, added items 323 and 324.

1970—Pub. L. 91-605, title I, § 115(b), title II, § 205(b), Dec. 31, 1970, 84 Stat. 1723, 1743, added items 321 and 322.

1966—Pub. L. 89-564, title I, § 102(b)(2), Sept. 9, 1966, 80 Stat. 735, struck out item 313 relating to Highway Safety Conference.

1965—Pub. L. 89-285, title III, § 301(b), Oct. 22, 1965, 79 Stat. 1032, inserted “and scenic enhancement” after “Landscaping” in item 319.

#### § 301. Freedom from tolls

Except as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 129 of this title.

#### § 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit. In meeting the provisions of this subsection, a State may engage, to the extent necessary or desirable, the services of private engineering firms.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912; Pub. L. 89-574, § 11, Sept. 13, 1966, 80 Stat. 770.)

#### AMENDMENTS

1966—Subsec. (a). Pub. L. 89-574 authorized States, in meeting the provisions of this subsection, to engage, to the extent necessary or desirable, the services of private engineering firms.

**§ 303. Management systems**

(a) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations for State development, establishment, and implementation of a system for managing each of the following:

- (1) Highway pavement of Federal-aid highways.
- (2) Bridges on and off Federal-aid highways.
- (3) Highway safety.
- (4) Traffic congestion.
- (5) Public transportation facilities and equipment.
- (6) Intermodal transportation facilities and systems.

In metropolitan areas, such systems shall be developed and implemented in cooperation with metropolitan planning organizations. Such regulations may include a compliance schedule for development, establishment, and implementation of each such system and minimum standards for each such system.

(b) TRAFFIC MONITORING.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment.

(c) STATE ELECTION.—A State may elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election.

(d) PROCEDURAL REQUIREMENTS.—In developing and implementing a management system under this section, each State shall cooperate with metropolitan planning organizations for urbanized areas of the State and affected agencies receiving assistance under chapter 53 of title 49 and shall consider the results of the management systems in making project selection decisions under this title and under chapter 53.

(e) INTERMODAL REQUIREMENTS.—The management system required under this section for intermodal transportation facilities and systems shall provide for improvement and integration of all of a State's transportation systems and shall include methods of achieving the optimum yield from such systems, methods for increasing productivity in the State, methods for increasing use of advanced technologies, and methods to encourage the use of innovative marketing techniques, such as just-in-time deliveries.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than January 1 of each calendar year beginning after December 31, 1992, the Secretary shall transmit to Congress a report on the progress being made by the Secretary and the States in carrying out this section.

(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Comptroller General, in consultation with States, shall transmit to Congress a report on the management systems under this section, including recommendations as to whether, to what extent, and how the management systems should be implemented.

(g) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned after September 30, 1991, under subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title for developing and establishing management systems required by this section and funds apportioned under section 144 of this title for developing and establishing the bridge management system required by this section.

(h) REVIEW OF REGULATIONS.—Not later than 10 days after the date of issuance of any regulation under this section, the Secretary shall transmit a copy of such regulation to Congress for review.

(Added Pub. L. 102-240, title I, §1034(a), Dec. 18, 1991, 105 Stat. 1977; amended Pub. L. 103-429, §3(8), (9), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-59, title II, §205(a), Nov. 28, 1995, 109 Stat. 576.)

**REFERENCES IN TEXT**

The date of the enactment of this section, referred to in subsections (a) and (b), is the date of enactment of Pub. L. 102-240, which was approved Dec. 18, 1991.

**PRIOR PROVISIONS**

A prior section 303, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 912; Pub. L. 87-392, §1, Oct. 4, 1961, 75 Stat. 822; Pub. L. 88-426, title III, §305(24), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91-605, title I, §114(a), Dec. 31, 1970, 84 Stat. 1722; Pub. L. 93-87, title I, §152(4), Aug. 13, 1973, 87 Stat. 276, provided for administrative organization of the Federal Highway Administration, prior to repeal by Pub. L. 97-449, §7(b), Jan. 12, 1983, 96 Stat. 2445. See section 104 of Title 49, Transportation.

**AMENDMENTS**

1995—Subsec. (c). Pub. L. 104-59, §205(a)(1), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(c) STATE REQUIREMENTS.—The Secretary may withhold up to 10 percent of the funds apportioned under this title and under chapter 53 of title 49 for any fiscal year beginning after September 30, 1995, to any State and any recipient of assistance under such Act in the State unless, in the preceding fiscal year, the State was implementing each of the management systems described in subsection (a) and, before January 1 of the preceding fiscal year, the State certified, in writing, to the Secretary, that the State was implementing each of such management systems in the preceding fiscal year.”

Subsec. (f). Pub. L. 104-59, §205(a)(2), inserted subsec. heading, designated existing provisions as par. (1), inserted par. heading and realigned margins, and added par. (2).

1994—Subsec. (c). Pub. L. 103-429, §3(8), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Subsec. (d). Pub. L. 103-429, §3(9), substituted “chapter 53 of title 49” for “the Federal Transit Act” and “chapter 53” for “such Act”.

**EFFECTIVE DATE**

Section effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as an Effective Date of 1991 Amendment note under section 104 of this title.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 103, 106, 133, 134, 135, 307 of this title; title 49 section 5303.

**§ 304. Participation by small business enterprises**

It is declared to be in the national interest to encourage and develop the actual and potential

capacity of small business and to utilize this important segment of our economy to the fullest practicable extent in construction of the Federal-aid highway systems, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises in obtaining contracts in connection with the prosecution of the highway program.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913.)

### § 305. Archeological and paleontological salvage

Funds authorized to be appropriated to carry out this title to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), and State laws where applicable,

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 86-657, §8(e), July 14, 1960, 74 Stat. 525.)

#### REFERENCES IN TEXT

An Act for the preservation of American antiquities, referred to in text, is act June 8, 1906, ch. 3060, 34 Stat. 225, popularly known as the Antiquities Act of 1906, which is classified generally to sections 431, 432, and 433 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 431 of Title 16 and Tables.

#### AMENDMENTS

1960—Pub. L. 86-657 substituted "appropriated to carry out this title to the extent approved" for "appropriated under the Federal-Aid Highway Act of 1956, to the extent approved".

### § 306. Mapping

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary may, wherever practicable, authorize the use of photogrammetric methods in mapping, and the utilization of commercial enterprise for such services.

(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for projects under this title. In carrying out this subsection, the Secretary shall recommend appropriate roles for State and private mapping and surveying activities, including—

- (1) preparation of standards and specifications;
- (2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;
- (3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and
- (4) recommending methods for increasing the use by the States of private sector sources for surveying and mapping activities.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 104-59, title III, §321, Nov. 28, 1995, 109 Stat. 590.)

#### AMENDMENTS

1995—Pub. L. 104-59 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

### § 307. Research and planning

(a) RESEARCH AND TECHNOLOGY PROGRAM.—

(1) AUTHORITY OF THE SECRETARY.—

(A) IN GENERAL.—The Secretary may engage in research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions) and the effect thereon of State laws and may test, develop, or assist in testing and developing any material, invention, patented article, or process.

(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, and entering into contracts and cooperative agreements with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, corporation (profit or nonprofit), organization, or person.

(C) RESEARCH FELLOWSHIPS.—

(i) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

(ii) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation engineering and research. Such program shall be known as the "Dwight David Eisenhower Transportation Fellowship Program". Of the funds made available pursuant to paragraph (3) for each fiscal year beginning after September 30, 1991, the Secretary shall expend not less than \$2,000,000 per fiscal year to carry out such program.

(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—For the purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any State.

(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements, as such term is defined under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(C) **FEDERAL SHARE.**—The Federal share payable on account of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent of the total cost of such activities; except that, if there is substantial public interest or benefit, the Secretary may approve a higher Federal share. All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be treated as part of the non-Federal share of the cost of such activities for purposes of the preceding sentence.

(D) **UTILIZATION OF TECHNOLOGY.**—The research, development, or utilization of any technology pursuant to a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980.

(3) **FUNDS.**—

(A) **IN GENERAL.**—The funds necessary to carry out this subsection and subsections (b), (d), and (e) shall be taken by the Secretary out of administrative funds deducted pursuant to section 104(a) of this title and such funds as may be deposited by any co-operating organization or person in a special account of the Treasury of the United States established for such purposes.

(B) **MINIMUM EXPENDITURES ON LONG-TERM RESEARCH PROJECTS.**—Not less than 15 percent of the funds made available under this paragraph shall be expended on long-term research projects which are unlikely to be completed within 10 years.

(4) **WAIVER OF ADVERTISING REQUIREMENTS.**—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements entered into under this section.

(b) **MANDATORY CONTENTS OF RESEARCH PROGRAM.**—

(1) **INCLUSION OF CERTAIN STUDIES.**—The Secretary shall include in the highway research program under subsection (a) studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards. The highway research program shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

(2) **SHRP RESULTS.**—

(A) **IMPLEMENTATION.**—The highway research program under subsection (a) shall include a program to implement results of the strategic highway research program carried out under subsection (d) (including results relating to automatic intrusion alarms for street and highway construction work zones) and to continue the long-term pavement performance tests being carried out under such program.

(B) **MINIMUM FUNDING.**—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not less than \$12,000,000 in fiscal year 1992, \$16,000,000 in fiscal year 1993, and \$20,000,000 per fiscal year for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this paragraph.

(3) **SURFACE TRANSPORTATION SYSTEM PERFORMANCE INDICATORS.**—The highway research program under subsection (a) shall include a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors which reflect the overall performance of such system.

(4) **SHORT HAUL PASSENGER TRANSPORTATION SYSTEMS.**—The Secretary shall conduct necessary systems research in order to develop a concept for a lightweight, pneumatic tire multiple-unit, battery-powered system, in conjunction with recharging stations at strategic locations. The Secretary shall create a potential systems concept and, as part of the surface transportation research and development plan under subsection (b), make recommendations to Congress by January 15, 1993.

(5) **SUPPORTING INFRASTRUCTURE.**—The Secretary shall establish a program to strengthen and expand surface transportation infrastructure research and development. The program shall include the following elements:

(A) Methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion.

(B) Expansion of the Department of Transportation's inspection and mobile non-destructive examination capabilities, including consideration of the use of high energy field radiography for more thorough and more frequent inspections of bridge structures as well as added support to State highway departments.

(C) The Secretary shall determine whether or not to initiate a construction equipment research and development program directed toward the reduction of costs associated with the construction of highways and mass transit systems. The Secretary shall transmit to Congress a report containing such determination on or before July 1, 1992.

(D) The Secretary shall undertake or supervise surface transportation infrastructure research to develop—

(i) nondestructive evaluation equipment for use with existing infrastructure facilities and for next generation infrastructure facilities that utilize advanced materials;

(ii) information technologies, including—

(I) appropriate computer programs to collect and analyze data on the status of the existing infrastructure facilities for enhancing management, growth, and capacity; and

(II) dynamic simulation models of surface transportation systems for predict-

ing capacity, safety, and infrastructure durability problems, for evaluating planned research projects, and for testing the strengths and weaknesses of proposed revisions in surface transportation operations programs; and

(iii) new and innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of existing structures.

(c) STATE PLANNING AND RESEARCH.—

(1) GENERAL RULE.—2 percent of the sums apportioned for each fiscal year beginning after September 30, 1991, to any State under sections 104 and 144 of this title and for highway projects under section 103(e)(4) of this title shall be available for expenditure by the State highway department, in consultation with the Secretary, only for the following purposes:

(A) Engineering and economic surveys and investigations.

(B) The planning of future highway programs and local public transportation systems and for planning for the financing thereof, including statewide planning under section 135 of this title.

(C) Development and implementation of management systems under section 303 of this title.

(D) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

(E) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on engineering standards and construction materials for such systems, including evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

(2) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to paragraph (1) shall be expended by the State for research, development, and technology transfer activities described in paragraph (1) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification.

(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds which are subject to paragraph (1) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

(4) ADMINISTRATION OF SUMS.—Funds which are subject to paragraph (1) shall be combined and administered by the Secretary as a single

fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

(d) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out the program under this subsection.

(3) PERIOD OF AVAILABILITY.—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

(4) SET ASIDE.—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed  $\frac{1}{4}$  of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 130 of this title. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of  $\frac{1}{4}$  of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.

(5) ANNUAL REPORT.—The Secretary shall transmit a report annually beginning on January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives which provides information on the progress and research findings the<sup>1</sup> program conducted under this subsection.

(6) LIMITATION OF REMEDIES.—

(A) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission arising from activities conducted under or in

<sup>1</sup> So in original. Probably should be "of the".

connection with this subsection. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of such title.

(B) EXCLUSIVENESS OF REMEDY.—The remedy referred to in subparagraph (A) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

(C) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this subsection shall be treated as if they are employees of the Federal Government under section 2671 of title 28, United States Code, for purposes of a civil action or proceeding with respect to a claim described in subparagraph (A); and the civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of such title, or any proceeding under chapter 171 of such title or action against the United States filed pursuant to section 1346(b) of such title, and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(D) REMOVAL.—Upon certification by the Attorney General that a civil action or proceeding with respect to a claim described in subparagraph (A) is being brought in a State court, such civil action or proceeding shall be removed from the State court without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subparagraph shall be conclusive.

(E) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in subparagraph (A) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this subsection, and then from sums made available under section 1304 of title 31, United States Code. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28, United States Code. The Secretary may establish a reserve of funds made available to carry out this subsection for making payments under this paragraph.

(e) APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement in accordance with this

subsection an applied research and technology program for the purpose of accelerating testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

(2) GUIDELINES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection. Such guidelines shall include:

(A) TECHNOLOGIES.—Guidelines on the selection of both foreign and domestic technologies to be tested.

(B) TEST LOCATIONS.—Guidelines on the selection of locations at which tests will be conducted. Such guidelines shall ensure that testing is conducted in a range of climatic, traffic, geographic, and environmental conditions, as appropriate for the technology being tested.

(C) DATA.—Guidelines for the scientific collection, evaluation, and dissemination of appropriate test data.

(3) TECHNOLOGIES.—Technologies which may be tested under this subsection include, but are not limited to—

(A) accelerated construction materials and procedures;

(B) environmentally beneficial materials and procedures;

(C) materials and techniques which provide enhanced serviceability and longevity under adverse climatic,<sup>2</sup> environmental, and load effects;

(D) technologies which increase the efficiency and productivity of vehicular travel; and

(E) technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.

(4) HEATED BRIDGE TECHNOLOGIES.—

(A) PROJECTS.—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to heating the decks of bridges and the feasibility of, and costs and benefits associated with, heating the decks of bridges. Such projects shall be carried out by installing heating equipment on the decks of bridges which are being replaced or rehabilitated under section 144 of this title.

(B) MINIMUM NUMBER OF BRIDGES.—The number of bridges for which heating equipment is installed under this subsection in a fiscal year shall not be less than 10 bridges.

(5) ELASTOMER MODIFIED ASPHALT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of New Jersey to demonstrate the environmental and safety benefits of elastomer modified asphalt.

(6) HIGH PERFORMANCE BLENDED HYDRAULIC CEMENT.—As part of the program under this subsection, the Secretary shall carry out a project in the State of Missouri to dem-

<sup>2</sup> So in original. Probably should be "climatic,".

onstrate the durability and construction efficiency of high performance blended hydraulic cement.

(7) **THIN BONDED OVERLAY AND SURFACE LAMINATION OF PAVEMENT.**—As part of the program under this subsection, the Secretary shall carry out projects to assess the state of technology with respect to thin bonded overlay (including inorganic bonding systems) and surface lamination of pavement, and to assess the feasibility of, and costs and benefits associated with, the repair, rehabilitation, and upgrading of highways and bridges with overlay. Such projects shall be carried out so as to minimize overlay thickness, minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability.

(8) **ALL WEATHER PAVEMENT MARKINGS.**—As part of the program under this subsection, the Secretary shall carry out a program to demonstrate the safety and durability of all weather pavement markings.

(9) **TESTING OF HIGHWAY TECHNOLOGIES.**—Projects carried out under this subsection to test technologies related to highways shall be carried out on highways on the Federal-aid system.

(10) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to States and localities in carrying out projects under this subsection.

(11) **ANNUAL REPORT.**—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this subsection.

(12) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out under this subsection shall not exceed 80 percent.

(13) **FUNDING.**—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title and funds made available under section 5313(a) of title 49, “\$35,000,000<sup>3</sup> for fiscal year 1992 and \$41,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out this subsection. Of such amounts, in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997, the Secretary shall expend not less than \$4,000,000 per fiscal year to carry out projects related to heated bridge technologies under paragraph (4), not less than \$2,500,000 per fiscal year to carry out projects related to thin bonded overlay and surface lamination of pavements under paragraph (7), and not less than \$2,000,000 per fiscal year to carry out projects related to all weather pavement markings under paragraph (8). Amounts made available under this subsection shall remain available until expended and shall not be subject to any obligation limitation.

(f) **SEISMIC RESEARCH PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program to study the vulnerability

of highways, tunnels, and bridges on the Federal-aid system to earthquakes and develop and implement cost-effective methods of retrofitting such highways, tunnels, and bridges to reduce such vulnerability.

(2) **COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.**—The Secretary shall conduct the program under this section in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

(3) **COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL HAZARDS REDUCTION PROGRAM.**—The Secretary shall further conduct the program under this section in consultation and cooperation with Federal departments and agencies participating in the National Hazards Reduction Program<sup>4</sup> established by section 5 of the Earthquake Hazards Reduction Act of 1977 and shall take such actions as may be necessary to ensure that the program under this subsection is consistent with—

(A) planning and coordination activities of the Federal Emergency Management Agency under section 5(b)(1) of such Act; and

(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act.

(4) **FUNDING.**—Of amounts deducted under section 104(a) of this title, the Secretary shall expend not more than \$2,000,000 per fiscal year in each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 to carry out this subsection.

(5) **REPORT.**—Not later than 2 years after the date of the enactment of this section, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the progress and research findings of the program carried out under this section.

(g) As used in this section the term “safety” includes, but is not limited to, highway safety systems, research and development relating to vehicle, highway, and driver characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

(h) The Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in January 1983, and in January of every second year thereafter, estimates of the future highway needs of the Nation. The biennial reports required under this subsection shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 913; Pub. L. 87-866, §11, Oct. 23, 1962, 76 Stat. 1148; Pub. L. 88-157, §6, Oct. 24, 1963, 77 Stat. 277; Pub. L. 89-564, title I, §103, Sept. 9, 1966, 80 Stat. 735; Pub. L. 91-605, title I, §§115(c), 126, 136(c), Dec. 31, 1970, 84 Stat. 1723, 1729, 1735; Pub. L. 93-87, title I, §151, Aug. 13, 1973, 87 Stat. 276; Pub. L. 96-470,

<sup>3</sup>So in original. Opening quotation marks probably should not precede “\$35,000,000”.

<sup>4</sup>So in original. Probably should be “National Earthquake Hazards Reduction Program”.

title I, §112(b)(2), Oct. 19, 1980, 94 Stat. 2239; Pub. L. 97-424, title I, §§156(a), (b), (d), 160(a), Jan. 6, 1983, 96 Stat. 2134, 2135; Pub. L. 100-17, title I, §§128, 129, 133(b)(17), Apr. 2, 1987, 101 Stat. 167, 169, 172; Pub. L. 102-240, title VI, §§6001, 6005, Dec. 18, 1991, 105 Stat. 2162, 2170; Pub. L. 103-429, §3(10), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104-59, title III, §325(d), Nov. 28, 1995, 109 Stat. 592.)

#### REFERENCES IN TEXT

The Stevenson-Wylder Technology Innovation Act of 1980, referred to in subsec. (a)(2)(D), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

The date of the enactment of the Federal-Aid Highway Act of 1987, referred to in subsec. (d)(4), is the date of enactment of title I of Pub. L. 100-17, which was approved Apr. 2, 1987.

The date of the enactment of this subsection, referred to in subsec. (e)(2), (11), is the date of enactment of Pub. L. 102-240, which was approved Dec. 18, 1991.

Sections 5 and 8 of the Earthquake Hazards Reduction Act of 1977, referred to in subsec. (f)(3), are classified to sections 7704 and 7705b, respectively, of Title 42, The Public Health and Welfare.

The date of the enactment of this section, referred to in subsec. (f)(5), probably means the date of enactment of Pub. L. 102-240 which amended this section and was approved Dec. 18, 1991.

#### AMENDMENTS

1995—Subsecs. (d)(5), (e)(11), (h). Pub. L. 104-59 substituted “Committee on Transportation and Infrastructure” for “Committee on Public Works and Transportation”.

1994—Subsec. (e)(13). Pub. L. 103-429 substituted “section 5313(a) of title 49” for “section 26(a)(1) of the Federal Transit Act”.

1991—Subsec. (a). Pub. L. 102-240, §6001, amended subsec. (a) generally, substituting present provisions for provisions authorizing research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, providing for grants for research fellowships and funding for such grants, and providing for inapplicability of 41 U.S.C. 5 to contracts or agreements made under this subsection.

Subsec. (b). Pub. L. 102-240, §6001, amended subsec. (b) generally, substituting present provisions for provisions allowing inclusion in highway research program authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using public highways, as well as studies to identify and measure factors which relate to economic, social, environmental, and other impacts of highway projects.

Subsec. (c). Pub. L. 102-240, §6001, amended subsec. (c) generally, substituting present provisions for provisions relating to availability of sums apportioned under sections 103, 104, and 144 of this title for various activities relating to research and planning.

Subsecs. (e) to (g). Pub. L. 102-240, §6005(a), added subsecs. (e) and (f) and redesignated former subsecs. (e) and (f) as (g) and (h), respectively.

Subsec. (h). Pub. L. 102-240, §6005, redesignated subsec. (f) as (h) and inserted provisions at end directing that the biennial reports required under this subsection provide the means, including all necessary information, to relate and compare the conditions and service measures used in different years when such measures are changed.

1987—Subsec. (c)(1). Pub. L. 100-17, §129, inserted reference to highway projects under section 103(e)(4).

Subsecs. (d), (e). Pub. L. 100-17, §128, added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

Subsec. (f). Pub. L. 100-17, §§128, 133(b)(17), redesignated former subsec. (e) as (f) and substituted “the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives” for “the Congress”.

1983—Subsec. (c)(1). Pub. L. 97-424, §156(d), inserted “and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing,” after “highways and highway systems”.

Subsec. (c)(2). Pub. L. 97-424, §156(b), substituted “1983” for “1964”, and “sections 104 and 144” for “section 104”.

Subsec. (c)(5). Pub. L. 97-424, §156(a), added par. (5).

Subsec. (e). Pub. L. 97-424, §160(a), added subsec. (e).

1980—Subsec. (b). Pub. L. 96-470 struck out “and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies” after “such standards”.

1973—Subsec. (c)(1). Pub. L. 93-87 substituted “fiscal year beginning with fiscal year 1974” for “fiscal year prior to the fiscal year 1964”.

1970—Subsec. (a). Pub. L. 91-605, §115(c), authorized Secretary to make grants for research fellowships for any purpose for which research is otherwise authorized by this section.

Subsec. (b). Pub. L. 91-605, §136(c), authorized the highway research program to include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.

Subsec. (c)(3). Pub. L. 91-605, §126, authorized percentage of appropriation for demonstration projects in connection with the purposes enumerated in par. (1) of this subsection.

1966—Subsec. (a). Pub. L. 89-564, §103(1), inserted “, funds authorized to carry out section 403 of this title,” after “section 104 of this title”.

Subsec. (d). Pub. L. 89-564, §103(2), added subsec. (d).

1963—Subsec. (c)(1). Pub. L. 88-157 authorized development expenditures.

1962—Subsec. (c). Pub. L. 87-866 designated existing provisions as par. (1), substituted “each fiscal year prior to the fiscal year 1964” for “any year”, and added pars. (2) to (4).

#### REPORT TO CONGRESS ON QUALITY IMPROVEMENT

Section 1043 of Pub. L. 102-240 directed Comptroller General to submit within 24 months following Dec. 18, 1991, a report to Congress addressing means for improving quality of highways constructed with Federal assistance and addressing Federal design standards, engineering and design services, and construction of Federal-aid highway projects.

#### SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLANNING

Section 6009 of title VI of Pub. L. 102-240, as amended by Pub. L. 104-59, title III, §338(c)(1), Nov. 28, 1995, 109 Stat. 604, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) despite an annual expenditure in excess of \$10,000,000,000 on surface transportation and its infrastructure, the Federal Government has not developed a clear vision of—

“(A) how the surface transportation systems of the 21st century will differ from the present;

“(B) how they will interface with each other and with other forms of transportation;

“(C) how such systems will adjust to changing American population patterns and lifestyles; and

“(D) the role of federally funded research and development in ensuring that appropriate transportation systems are developed and implemented;

“(2) the population of the United States is projected to increase by over 30,000,000 people within the next 20 years, mostly in existing major metropolitan areas,



which will result in increased traffic congestion within and between urban areas, more accidents, loss of productive time, and increased cost of transportation unless new technologies are developed to improve public transportation within cities and to move people and goods between cities;

“(3) 18,000,000 crashes, 4,000,000 injuries, and 45,000 fatalities each year on the Nation’s highways are intolerable and substantial research is required in order to develop safer technologies in their most useful and economic forms;

“(4) current research and development funding for surface transportation is insufficient to provide the United States with the technologies essential to providing its own advanced transportation systems in the future and, as a result, the United States is becoming increasingly dependent on foreign surface transportation technologies and equipment to meet its expanding surface transportation needs;

“(5) a more active, focused surface transportation research and development program involving cooperation among the Federal Government, United States based industry, and United States universities should be organized on a priority basis;

“(6) intelligent transportation systems represent the best near-term technology for improving surface transportation for public benefit by providing equipment which can improve traffic flow and provide for enhanced safety;

“(7) research and development programs related to surface transportation are fragmented and dispersed throughout government and need to be strengthened and incorporated in an integrated framework within which a consensus on the goals of a national surface transportation research and development program must be developed;

“(8) the inability of government agencies to cooperate effectively, the difficulty of obtaining public support for new systems and rights-of-way, and the high cost of capital financing discourage private firms from investing in the development of new transportation equipment and systems; therefore, the Federal Government should sponsor and coordinate research and development of new technologies to provide safer, more convenient, and affordable transportation systems for use in the future; and

“(9) an effective high technology applied research and development program should be implemented quickly by strengthening the Department of Transportation research and development staff and by contracting with private industry for specific development projects.

“(b) SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLAN.—

“(1) DEVELOPMENT.—The Secretary shall develop an integrated national surface transportation research and development plan (hereinafter in this subsection referred to as the ‘plan’).

“(2) FOCUS.—The plan shall focus on surface transportation systems needed for urban, suburban, and rural areas in the next decade.

“(3) CONTENTS.—The plan shall include the following:

“(A) Details of the Department’s surface transportation research and development programs, including appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work scopes, personnel requirements, and estimated costs and goals for the next 3 years for each area of research and development.

“(B) A 10-year projection of long-term programs in surface transportation research and development and recommendations for the appropriate source or mechanism for surface transportation research and development funding, taking into account recommendations of the Research and Development Coordinating Council of the Department of Transportation and the plan of the National Council on Surface Transportation Research.

“(C) Recommendations on changes needed to assure that Federal, State, and local contracting pro-

cedures encourage the adoption of advanced technologies developed as a consequence of the research programs in this Act [see Short Title of 1991 Amendment note set out under section 101 of Title 49, Transportation].

“(4) OBJECTIVES.—The plan shall provide for the following:

“(A) The development, within the shortest period of time possible, of a range of technologies needed to produce convenient, safe, and affordable modes of surface transportation to be available for public use beginning in the mid-1990’s.

“(B) Maintenance of a long-term advanced research and development program to provide for next generation surface transportation systems.

“(5) COOPERATION WITH INDUSTRY.—A primary component of the plan shall be cooperation with industry in carrying out this part [part A (§§ 6001–6024) of title VI of Pub. L. 102–240, enacting sections 325 and 326 of this title, sections 3711b and 3711c of Title 15, Commerce and Trade, section 111 of Title 49, Transportation, and section 1625 of former Title 49, Transportation, amending this section and sections 204 and 321 of this title, section 5316 of Title 5, Government Organization and Employees, sections 3708 and 3712 to 3715 of Title 15, sections 101 and 301 of Title 49, and sections 1607c and 1608 of former Title 49, enacting provisions set out as notes under this section and sections 101 and 112 of this title and sections 111 and 301 of Title 49, and amending provisions set out as notes under section 1608 of former Title 49] and strengthening the manufacturing capabilities of United States firms in order to produce products for surface transportation systems.

“(6) CONFORMANCE WITH PLAN.—All surface transportation research and development within the Department of Transportation shall be included in the plan and shall be evaluated in accordance with the plan.

“(7) COORDINATION.—In developing the plan and carrying out this part, the Secretary shall consult with and, where appropriate, use the expertise of other Federal agencies and their laboratories.

“(8) TRANSMITTAL.—On or before January 15, 1993, and annually thereafter, the Secretary shall transmit the plan to Congress, together with the Secretary’s comments and recommendations. The Secretary shall review and update the plan before each transmittal under this paragraph.

“(9) RECOMMENDATIONS FOR ALTERNATIVES.—In the event a different technology or alternative program can be identified that would accomplish the same or better results than those described in this part, the Secretary may make recommendations for an alternative, and shall promptly report such alternative recommendations to Congress.”

NATIONAL COUNCIL ON SURFACE TRANSPORTATION RESEARCH

Section 6010 of Pub. L. 102–240 established a National Council on Surface Transportation Research, directed Council to make a complete investigation and study of current surface transportation research and technology developments in the United States and internationally, and to identify gaps and duplication in current surface transportation research efforts, determine research and development areas which may increase efficiency, productivity, safety, and durability in the Nation’s surface transportation systems, and propose a national surface transportation research and development plan for immediate implementation, with Council to transmit to Congress, not later than Sept. 30, 1993, a report on the results of the investigation and study, including recommendations, and with Council to terminate on 180th day after date of transmittal of the report.

RESEARCH ADVISORY COMMITTEE

Section 6011 of Pub. L. 102–240 provided that:

“(a) ESTABLISHMENT.—Not later than 180 days after the date of transmittal of the report to Congress under

section 6010 [of Pub. L. 102-240, formerly set out above], the Secretary shall establish an independent surface transportation research advisory committee (hereinafter in this section referred to as the 'advisory committee').

"(b) PURPOSES.—The advisory committee shall provide ongoing advice and recommendations to the Secretary regarding needs, objectives, plans, approaches, content, and accomplishments with respect to short-term and long-term surface transportation research and development. The advisory committee shall also assist in ensuring that such research and development is coordinated with similar research and development being conducted outside of the Department of Transportation.

"(c) MEMBERSHIP.—The advisory committee shall be composed of not less than 20 and not more than 30 members appointed by the Secretary from among individuals who are not employees of the Department of Transportation and who are specially qualified to serve on the advisory committee by virtue of their education, training, or experience. A majority of the members of the advisory committee shall be individuals with experience in conducting surface transportation research and development. The Secretary in appointing the members of the advisory committee shall ensure that representatives of Federal, State, and local governments, other public agencies, colleges and universities, public, private, and nonprofit research organizations, and organizations representing transportation providers, shippers, labor, and the financial community are represented on an equitable basis.

"(d) CHAIRMAN.—The chairman of the advisory committee shall be designated by the Secretary.

"(e) PAY AND EXPENSES.—Members of the advisory committee shall serve without pay, except that the Secretary may allow any member, while engaged in the business of the advisory committee or a subordinate committee, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(f) SUBORDINATE COMMITTEES.—The Secretary shall establish a subordinate committee to the advisory committee to provide advice on advanced highway vehicle technology research and development, and may establish other subordinate committees to provide advice on specific areas of surface transportation research and development. Such subordinate committees shall be subject to subsections (e), (g), and (i) of this section.

"(g) ASSISTANCE OF SECRETARY.—Upon request of the advisory committee, the Secretary shall provide such information, administrative services, support staff, and supplies as the Secretary determines to be necessary for the advisory committee to carry out its functions.

"(h) REPORTS.—The advisory committee shall, within 1 year after the date of establishment of the advisory committee, and annually thereafter, submit to the Congress a report summarizing its activities under this section.

"(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act [5 App. U.S.C.] shall not apply to the advisory committee established under this section."

#### FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS

Section 6016 of Pub. L. 102-240 provided that:

"(a) STUDIES.—The Administrator of the Federal Highway Administration (hereinafter in this section referred to as the 'Administrator') shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall emphasize predicting pavement performance from the fundamental and rapidly measurable properties of asphalts and modified asphalts.

"(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western Research Institute of the University of Wyoming in order to conduct the necessary

technical and analytical research in coordination with existing programs which evaluate actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

"(c) ACTIVITIES OF STUDIES.—The studies under subsection (a) shall include the following activities:

"(1) Fundamental composition studies.

"(2) Fundamental physical and rheological property studies.

"(3) Asphalt-aggregate interaction studies.

"(4) Coordination of composition studies, physical and rheological property studies, and asphalt-aggregate interaction studies for the purposes of predicting pavement performance, including refinements of Strategic Highway Research Program specifications.

"(d) TEST STRIP.—

"(1) IMPLEMENTATION.—The Administrator, in coordination with the Western Research Institute of the University of Wyoming, shall implement a test strip for the purpose of demonstrating and evaluating the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions.

"(2) FUNDING.—For the purposes of construction activities related to this test strip, the Secretary and the Director of the National Park Service shall make up to \$1,000,000 available from amounts made available from the authorization for parkroads and parkways.

"(3) REPORT TO CONGRESS.—Not later than November 30, 1995, the Administrator shall transmit to Congress as part of a report under subsection (e) the Administrator's findings on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislation to establish a national program to support United States transportation and energy security requirements.

"(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act [Dec. 18, 1991], and on or before November 30th of each year beginning thereafter, the Administrator shall transmit to Congress a report of the progress made in implementing this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title at least \$3,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsection (b)."

#### INTELLIGENT TRANSPORTATION SYSTEMS

Section 351(a) of Pub. L. 104-59 provided that: "In implementing the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189-2195) [part B of title VI of Pub. L. 102-240], the Secretary shall ensure that the national intelligent transportation systems program addresses, in a comprehensive and coordinated manner, the use of intelligent transportation technologies to promote safety at railroad-highway grade crossings. The Secretary shall ensure that 2 or more operational tests funded under such Act are designed to promote highway traffic safety and railroad safety."

Pub. L. 103-311, title I, §109, Aug. 26, 1994, 108 Stat. 1675, as amended by Pub. L. 104-59, title III, §338(c)(4), Nov. 28, 1995, 109 Stat. 605, provided that:

"(a) IN GENERAL.—In implementing the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note) [part B of title VI of Pub. L. 102-240], the Secretary of Transportation shall ensure that the National Intelligent Transportation Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent transportation system technologies to promote hazardous materials transportation safety. The Secretary of Transportation shall ensure that 2 or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

"(b) GRANTS FOR CERTAIN EMERGENCY RESPONSE INFORMATION TECHNOLOGIES.—

“(1) In carrying out one of the operational tests under subsection (a), the Secretary of Transportation may make grants to one or more persons, including a State or local government or department, agency, or instrumentality thereof, to demonstrate the feasibility of establishing and operating computerized telecommunications emergency response information technologies that are used—

“(A) to identify the contents of shipments of hazardous materials transported by motor carriers;

“(B) to permit retrieval of data on shipments of hazardous materials transported by motor carriers;

“(C) to link systems that identify, store, and allow the retrieval of data for emergency response to incidents and accidents involving transportation of hazardous materials by motor carrier; and

“(D) to provide information to facilitate responses to accidents and incidents involving hazardous materials shipments by motor carriers either directly or through linkage with other systems.

“(2) Any project carried out with a grant under this subsection must involve two or more motor carriers of property. One of the motor carriers selected to participate in the project must be a carrier that transports mostly hazardous materials. The other motor carrier selected must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements of hazardous materials with other motor carriers, rail carriers, or water carriers.

“(3) To the maximum extent practicable, the Secretary of Transportation shall coordinate a project under this subsection with any existing Federal, State, and local government projects and private projects which are similar to the project under this subsection. The Secretary may require that a project under this subsection be carried out in conjunction with such similar Federal, State, and local government projects and private projects.”

Part B of title VI of Pub. L. 102-240, as amended by Pub. L. 102-388, title IV, §404, Oct. 6, 1992, 106 Stat. 1564; Pub. L. 104-59, title III, §338(a), (b), (c)(2), Nov. 28, 1995, 109 Stat. 603, 604, provided that:

“SEC. 6051. SHORT TITLE.

“This part may be cited as the ‘Intelligent Transportation Systems Act of 1991’.

“SEC. 6052. ESTABLISHMENT AND SCOPE OF PROGRAM.

“(a) ESTABLISHMENT.—Subject to the provisions of this part, the Secretary shall conduct a program to research, develop, and operationally test intelligent transportation systems and promote implementation of such systems as a component of the Nation’s surface transportation systems.

“(b) GOALS.—The goals of the program to be carried out under this part shall include, but not be limited to—

“(1) the widespread implementation of intelligent transportation systems to enhance the capacity, efficiency, and safety of the Federal-aid highway system and to serve as an alternative to additional physical capacity of the Federal-aid highway system;

“(2) the enhancement, through more efficient use of the Federal-aid highway system, of the efforts of the several States to attain air quality goals established pursuant to the Clean Air Act [42 U.S.C. 7401 et seq.];

“(3) the enhancement of safe and efficient operation of the Nation’s highway systems with a particular emphasis on aspects of systems that will increase safety and identification of aspects of the system that may degrade safety;

“(4) the development and promotion of intelligent transportation systems and an intelligent transportation systems industry in the United States, using authority provided under section 307 of title 23, United States Code;

“(5) the reduction of societal, economic, and environmental costs associated with traffic congestion;

“(6) the enhancement of United States industrial and economic competitiveness and productivity by improving the free flow of people and commerce and by establishing a significant United States presence in an emerging field of technology;

“(7) the development of a technology base for intelligent transportation systems and the establishment of the capability to perform demonstration experiments, using existing national laboratory capabilities where appropriate; and

“(8) the facilitation of the transfer of transportation technology from national laboratories to the private sector.

“SEC. 6053. GENERAL AUTHORITIES AND REQUIREMENTS.

“(a) COOPERATION.—In carrying out the program under this part, the Secretary shall foster use of the program as a key component of the Nation’s surface transportation systems and strive to transfer federally owned or patented technology to State and local governments and the United States private sector. As appropriate, in carrying out the program under this part, the Secretary shall consult with the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other interested Federal departments and agencies and shall maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of the program, including design, conduct (including operations and maintenance), evaluation, and financial or in-kind participation.

“(b) STANDARDS.—The Secretary shall develop and implement standards and protocols to promote the widespread use and evaluation of intelligent transportation systems technology as a component of the Nation’s surface transportation systems. To the extent practicable, such standards and protocols shall promote compatibility among intelligent transportation systems technologies implemented throughout the States. In carrying out this subsection, the Secretary may use the services of such existing standards-setting organizations as the Secretary determines appropriate.

“(c) EVALUATION GUIDELINES.—The Secretary shall establish guidelines and requirements for the evaluation of field and related operational tests carried out pursuant to section 6055. Any survey, questionnaire, or interview which the Secretary considers necessary to carry out the evaluation of such tests shall not be subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

“(d) INFORMATION CLEARINGHOUSE.—

“(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out pursuant to this part and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation. If the Secretary delegates such responsibility, the entity to which such responsibility is delegated shall be eligible for Federal assistance under this part.

“(e) ADVISORY COMMITTEES.—The Secretary may utilize one or more advisory committees in carrying out this part. Any advisory committee so utilized shall be subject to the Federal Advisory Committee Act [5 App. U.S.C.]. Funding provided for any such committee shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the intelligent transportation systems program under this part.

“SEC. 6054. STRATEGIC PLAN, IMPLEMENTATION, AND REPORT TO CONGRESS.

“(a) STRATEGIC PLAN.—

“(1) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall develop, submit to Congress, and commence implementation of a plan for the intelligent transportation systems program.

“(2) SCOPE.—The plan shall—

“(A) specify the goals, objectives, and milestones of the intelligent transportation systems program and how specific projects relate to the goals, objectives, and milestones, including consideration of the 5- 10- and 20-year timeframes for the goals and objectives;

“(B) detail the status of and challenges and non-technical constraints facing the program;

“(C) establish a course of action necessary to achieve the program's goals and objectives;

“(D) provide for the development of standards and protocols to promote and ensure compatibility in the implementation of intelligent transportation systems technologies; and

“(E) provide for the accelerated use of advanced technology to reduce traffic congestion along heavily populated and traveled corridors.

“(b) INTELLIGENT TRANSPORTATION SYSTEMS.—The Secretary shall develop an automated highway and vehicle prototype from which future fully automated intelligent transportation systems can be developed. Such development shall include research in human factors to ensure the success of the man-machine relationship. The goal of this program is to have the first fully automated roadway or an automated test track in operation by 1997. This system shall accommodate installation of equipment in new and existing motor vehicles.

“(c) IMPLEMENTATION REPORTS.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Dec. 18, 1991], and annually thereafter, the Secretary shall submit to Congress a report on implementation of the plan developed under subsection (a).

“(2) SCOPE OF IMPLEMENTATION REPORTS.—In preparing reports under this subsection, the Secretary shall—

“(A) analyze the possible and actual accomplishments of intelligent transportation systems projects in achieving congestion, safety, environmental, and energy conservation goals and objectives of the program;

“(B) specify cost-sharing arrangements made, including the scope and nature of Federal investment, in any research, development, or implementation project under the program;

“(C) assess nontechnical problems and constraints identified as a result of each such implementation project; and

“(D) include, if appropriate, any recommendations of the Secretary for legislation or modification to the plan developed under subsection (a).

“(d) NONTECHNICAL CONSTRAINTS.—

“(1) REPORT TO CONGRESS.—In cooperation with the Attorney General and the Secretary of Commerce, the Secretary shall prepare and submit, not later than 2 years after the date of the enactment of this Act [Dec. 18, 1991], a report to Congress addressing the nontechnical constraints and barriers to implementation of the intelligent transportation systems program.

“(2) SCOPE OF REPORT.—The report shall—

“(A) address antitrust, privacy, educational and staffing needs, patent, liability, standards, and other constraints, barriers, or concerns relating to the intelligent transportation systems program;

“(B) recommend legislative and administrative actions necessary to further the program; and

“(C) address ways to further promote industry and State and local government involvement in the program.

“(3) UPDATE OF REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress an update of the report under this subsection.

“(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.

“SEC. 6055. TECHNICAL, PLANNING, AND OPERATIONAL TESTING PROJECT ASSISTANCE.

“(a) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary may provide planning and technical assistance and information to State and local governments seeking to use and evaluate intelligent transportation systems technologies. In doing so, the Secretary shall assist State and local officials in developing plans for areawide traffic management control centers, necessary laws pertaining to establishment and implementation of such systems, and plans for infrastructure for such systems and in conducting other activities necessary for the intelligent transportation systems program.

“(b) PLANNING GRANTS.—The Secretary may make grants to State and local governments for feasibility and planning studies for development and implementation of intelligent transportation systems. Such grants shall be made at such time, in such amounts, and subject to such conditions as the Secretary may determine.

“(c) ELIGIBILITY OF CERTAIN TRAFFIC MANAGEMENT ENTITIES.—Any interagency traffic and incident management entity, including independent public authorities or agencies, contracted by a State department of transportation for implementation of a traffic management system for a designated corridor is eligible to receive Federal assistance under this part through the State department of transportation.

“(d) OPERATIONAL TESTING PROJECTS.—The Secretary may make grants to non-Federal entities, including State and local governments, universities, and other persons, for operational tests relating to intelligent transportation systems. In deciding which projects to fund under this subsection, the Secretary shall—

“(1) give the highest priority to those projects that—

“(A) will contribute to the goals and objectives specified in plan developed under section 6054; and

“(B) will minimize the relative percentage of Federal contributions (excluding funds apportioned under section 104 of title 23, United States Code) to total project costs;

“(2) seek to fund operational tests that advance the current state of knowledge and, where appropriate, build on successes achieved in previously funded work involving such systems; and

“(3) require that operational tests utilizing Federal funds under this part have a written evaluation of the intelligent transportation systems technologies investigated and of the results of the investigation which is consistent with the guidelines developed pursuant to section 6053(c).

“(e) AUTHORITY TO USE FUNDS.—Each State and eligible local entity is authorized to use funds provided under this part for implementation purposes in connection with the intelligent transportation systems program.

“SEC. 6056. APPLICATIONS OF TECHNOLOGY.

“(a) ITS CORRIDORS PROGRAM.—The Secretary shall designate transportation corridors in which application of intelligent transportation systems will have particular benefit and, through financial and technical assistance under this part, shall assist in the development and implementation of such systems.

“(b) PRIORITIES.—In providing funding for corridors under this section, the Secretary shall allocate not less than 50 percent of the funds made available to carry out this section to eligible State or local entities for application of intelligent transportation systems in not less than 3 but not more than 10 corridors with the following characteristics:

“(1) Traffic density (as a measurement of vehicle miles traveled per highway mile) at least 1.5 times the national average for such class of highway.

“(2) Severe or extreme nonattainment for ozone under the Clean Air Act [42 U.S.C. 7401 et seq.], as determined by the Administrator of the Environmental Protection Agency.

“(3) A variety of types of transportation facilities, such as highways, bridges, tunnels, and toll and non-toll facilities.

“(4) Inability to significantly expand capacity of existing surface transportation facilities.

“(5) A significant mix of passenger, transit, and commercial motor carrier traffic.

“(6) Complexity of traffic patterns.

“(7) Potential contribution to the implementation of the Secretary’s plan developed under section 6054.

“(c) OTHER CORRIDORS AND AREAS.—After the allocation pursuant to subsection (b), the balance of funds made available to carry out this section shall be allocated to eligible State and local entities for application of intelligent transportation systems in corridors and areas where the application of such systems and associated technologies will make a potential contribution to the implementation of the Secretary’s plan for the intelligent transportation systems program under section 6054 and demonstrate benefits related to any of the following:

“(1) Improved operational efficiency.

“(2) Reduced regulatory burden.

“(3) Improved commercial productivity.

“(4) Improved safety.

“(5) Enhanced motorist and traveler performance.

Such corridors and areas may be in both urban and rural areas and may be interstate and intercity corridors. Urban corridors shall have a significant number of the characteristics set forth in subsection (b).

#### “SEC. 6057. COMMERCIAL MOTOR VEHICLE SAFETY TECHNOLOGY.

“(a) STUDY.—The Secretary shall conduct a study to evaluate technology which is designed for installation on a commercial motor vehicle to provide the individual operating the vehicle with a warning if a turn, lane change, or other intended movement of the vehicle by the operator will place the vehicle in the path of an adjacent object or vehicle.

“(b) REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing findings and recommendations concerning the study conducted under this section.

#### “SEC. 6058. FUNDING.

“(a) ITS CORRIDORS PROGRAM.—There is authorized to be appropriated to the Secretary for carrying out section 6056, out of the Highway Trust Fund (other than the Mass Transit Account), \$71,000,000 for fiscal year 1992 and \$86,000,000 per fiscal year for each of fiscal years 1993 through 1997. In addition to amounts made available by subsection (b), any amounts authorized by this subsection and not allocated by the Secretary for carrying out section 6056 for fiscal years 1992 and 1993 may be used by the Secretary for carrying out other activities authorized under this part.

“(b) OTHER ITS ACTIVITIES.—There is authorized to be appropriated to the Secretary for carrying out this part (other than section 6056), out of the Highway Trust Fund (other than the Mass Transit Account), \$23,000,000 for fiscal year 1992 and \$27,000,000 per fiscal year for each of fiscal years 1993 through 1997.

“(c) RESERVATION OF FUNDS.—Of the funds made available pursuant to subsection (a), not less than 5 percent shall only be available for innovative, high-risk operational or analytical tests that do not attract substantial non-Federal commitments but are determined by the Secretary as having significant potential to help accomplish long-term goals established by the plan developed pursuant to section 6054.

“(d) FEDERAL SHARE PAYABLE.—The Federal share payable on account of activities carried out under sec-

tion 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities. The Secretary may waive application of the preceding sentence for projects undertaken pursuant to subsection (c) of this section. The Secretary shall seek maximum private participation in the funding of such activities.

“(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any activity under this section shall be determined in accordance with this section and such funds shall remain available for obligation in accordance with this section. Such funds shall be subject to the obligation limitation imposed by section 102 of this Act [probably means section 1002 of Pub. L. 102-240, set out as a note under section 104 of this title].

#### “(f) OBLIGATION OF FUNDS.—

“(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) on or after the date of the enactment of this subsection [Nov. 28, 1995] and other funds made available on or after that date to carry out specific intelligent transportation systems projects shall be obligated not later than the last day of the fiscal year following the fiscal year for which the funds are made available. Funds made available pursuant to subsections (a) and (b) before such date of enactment shall remain available until expended.

“(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other project with respect to which funds may be made available under subsection (a) or (b).

#### “SEC. 6059. DEFINITIONS.

“For the purposes of this part, the following definitions apply:

“(1) ITS.—The term ‘intelligent transportation systems’ means the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

“(2) CORRIDOR.—The term ‘corridor’ means any major transportation route which includes parallel limited access highways, major arterials, or transit lines; and, with regard to traffic incident management, such term may include more distant transportation routes that can serve as viable options to each other in the event of traffic incidents.

“(3) STATE.—The term ‘State’ has the meaning such term has under section 101 of title 23, United States Code.”

#### USE OF ROCK SALT ON HIGHWAYS; DEVELOPMENT OF ALTERNATIVE DE-ICERS

Section 173 of Pub. L. 100-17 provided that: “It is the sense of Congress—

“(1) that, to enhance environmental protection, and mitigate potential damages to highways and vehicles, Congress encourages efforts to advance the research and development of alternative chemical de-icers to rock salt;

“(2) that Congress encourages research on alternative chemical de-icers to rock salt under the strategic highway research program under section 307(d) of title 23, United States Code; and

“(3) that once alternative de-icers are commercially available, the full cost of all de-icing materials, including damages to highways, vehicles, and the environment, should be considered by State and local governments in determining their snow and ice control strategies.”

STUDY OF METHANE CONVERSION FOR HIGHWAY FUEL  
USE; REPORT TO CONGRESS BY JAN. 6, 1984

Section 152 of Pub. L. 97-424 provided that: "The Secretary of Transportation shall study, out of any funds available to the Secretary of Transportation for research purposes, the potential for recovering methane which is released in the process of offshore oil drilling and converting such methane on a floating conversion plant located at the drilling site into methanol for use as a fuel for highway vehicles. Such study shall include, but need not be limited to, a determination of the quality and quantity of the methane which is released at offshore drilling sites at various locations and the costs involved in recovering such methane and converting it in the manner described in the preceding sentence. The Secretary shall also determine the permitting requirements which would apply to such floating conversion plants and the most effective way to implement those permitting requirements. The Secretary shall report to the Congress the results of the study under this section not later than one year after the date of enactment of this Act [Jan. 6, 1983]."

ACCESS CONTROL DEMONSTRATION PROJECTS; REPORT  
TO CONGRESS; APPROPRIATIONS AUTHORIZATION

Pub. L. 95-599, title I, §150, Nov. 6, 1978, 92 Stat. 2715, as amended by Pub. L. 97-424, title I, §140, Jan. 6, 1983, 96 Stat. 2128; Pub. L. 98-78, title I, §101, Aug. 15, 1983, 97 Stat. 459, provided that:

"(a) The Secretary of Transportation is authorized to carry out access control demonstration projects designed to demonstrate whether preserving the capacity of existing highways to move traffic safely by acquiring and controlling the right of access to such a highway is a cost effective alternative to the construction of additional highways. Such demonstration projects shall be carried out (1) on highways which are on the Federal-aid primary or secondary system, and are well maintained and in good condition, and (2) in traffic corridors which are not already subject to heavy industrial, commercial, or residential development. The Secretary of Transportation shall carry out one such demonstration project in each of three States.

"(b) On or before September 30, 1985, the Secretary shall report to Congress the results of the projects carried out under this section.

"(c) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, not to exceed \$10,000,000 for the fiscal year ending September 30, 1979, and \$20,000,000 for the fiscal year ending September 30, 1980.

"(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code: *Provided, however*, That sums shall not lapse until September 30, 1985."

ROUTES IN ALASKA AND PUERTO RICO AS PART OF SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS; STUDY AND REPORT TO CONGRESS

Pub. L. 95-599, title I, §156, Nov. 6, 1978, 92 Stat. 2717, directed Secretary of Transportation to study and report to Congress by July 1, 1979, on feasibility and desirability of designing routes in State of Alaska and Commonwealth of Puerto Rico as part of National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways].

UNIFORMITY IN MAXIMUM TRUCK SIZE AND WEIGHT  
LIMITS; STUDY AND REPORT TO CONGRESS

Pub. L. 95-599, title I, §161, Nov. 6, 1978, 92 Stat. 2719, related to a study, investigation, and report by Jan. 15, 1981, by the Secretary of Transportation in cooperation with other Federal officers and agencies, etc., respect-

ing uniformity in maximum truck size and weight limits.

STUDY OF FACTORS AFFECTING SAFE AND EFFICIENT  
OPERATION OF BRIDGES, TUNNELS AND ROADS WITHIN  
UNITED STATES

Pub. L. 95-599, title I, §166, Nov. 6, 1978, 92 Stat. 2722, provided that: "The Secretary of Transportation shall make a full and complete investigation and study of all those factors affecting the safe and efficient operation of bridges, tunnels, and roads within the United States, including, but not limited to, structural, operational, environmental, and civil disturbance factors."

STUDY OF OUTSIZED VEHICLES FOR OPERATION ON  
HIGHWAYS

Pub. L. 95-599, title II, §211, Nov. 6, 1978, 92 Stat. 2734, directed Secretary of Transportation to make a complete study of oversized vehicles for operation on highways constructed in a manner which exceed standardized industry configurations and that Secretary make a report to Congress on the results of his study not later than six months after Nov. 6, 1978.

COST ALLOCATION STUDY

Pub. L. 95-599, title V, §506, Nov. 6, 1978, 92 Stat. 2760, directed Secretary of Transportation, with assistance from Congressional Budget Office and in cooperation with State highway departments, to undertake a full investigation and study of the costs occasioned in design, construction, rehabilitation, and maintenance of Federal-aid highways by use of vehicles of different dimensions, weights, and other specifications, and by frequency of such vehicles in traffic stream, the proportionate share of such design, construction, rehabilitation, and maintenance costs attributable to each class of persons and vehicles using such highways, and the need for long-term or continuous monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors, with a report by Secretary to Congress on a plan for investigation and study within 180 days after Nov. 6, 1978, progress reports on or before Jan. 15, 1980, and Jan. 15, 1981, and a report on findings and recommendations of the study no later than Jan. 15, 1982, which recommendations were to include any alternative tax structures to more nearly achieve an equitable distribution of tax burden among classes of persons and vehicles using Federal-aid highways, and projected impact of such structures on affected industries and other users.

HIGHWAY LITTER STUDY; REPORT TO CONGRESS; FUNDS  
AUTHORIZATION

Section 155 of Pub. L. 93-87 authorized a study by the Secretary of litter accumulation within rights-of-way of Federal-aid highway systems, such study, including recommendations for improved procedures for litter prevention, to be reported to Congress by June 30, 1974.

ALASKA HIGHWAY

Section 119 of Pub. L. 91-605 provided that:

"(a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

"(b) The President shall report to Congress not later than one year after the date of enactment of this section [Dec. 31, 1970] the results of his negotiations under this section."

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO  
PUBLIC TRANSPORTATION SERVICES; REPORT TO CONGRESS

Section 144 of Pub. L. 91-605 directed Secretary to undertake a study and analysis of use of existing highway

facilities for highway public transportation service, need for additional highway facilities or adjustment of existing facilities to accommodate such service, and appropriate funding of such additional highway facilities and to report to Congress his findings and recommendations not later than Jan. 1, 1972.

#### AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

Section 105 of Pub. L. 89-564 authorized to be appropriated the additional sum of \$10,000,000 for the fiscal year ending June 30, 1967, \$20,000,000 for the fiscal year ending June 30, 1968, and \$25,000,000 for the fiscal year ending June 30, 1969 for the purpose of carrying out sections 307(a) and 403 of this title.

#### AVAILABILITY OF REPORTS OF RESEARCH PRODUCTS TO THE PUBLIC

Completed reports on research projects, demonstration projects, and other related activities conducted under this section and section 403 of this title to be made available to the public in a manner which does not identify individuals, see section 106 of Pub. L. 89-564, set out as a note under section 403 of this title.

#### ALASKA HIGHWAY STUDY

Section 13 of Pub. L. 87-866, as amended by Pub. L. 97-449, §2(a), Jan. 12, 1983, 96 Stat. 2439, provided that:

“(a) The Secretary of Transportation, in cooperation with the State of Alaska, is hereby authorized to make engineering studies and estimates and planning surveys relative to a highway construction program for the State of Alaska, and, in accordance with treaties or other agreements to be negotiated with Canada by the Secretary of State in consultation with the Secretary of Transportation, engineering studies, estimates, and planning surveys relative to connecting Alaskan roads with Canadian roads at the International boundary.

“(b) On or before May 15, 1964, the Secretary of Transportation shall submit a report to the Congress which shall include—

“(1) an analysis of the adequacy of the Federal-aid highway program to provide for a satisfactory program in both the populated and the undeveloped areas in Alaska;

“(2) specific recommendations as to the construction of roads through undeveloped areas of Alaska and connection of such roads with Canadian roads at the International boundary; and

“(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

“(c) From time to time, either before or after submission of the report provided for in subsection (b) of this section, the Secretary of Transportation may submit recommendations to the Congress with respect to the construction of particular highways to carry out the purposes of this section.

“(d) Nothing in this section shall be construed as creating any obligation in the Congress, express or implied, to carry out the recommendations referred to in subsections (b) and (c).

“(e) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of \$800,000 for the purpose of making the studies, surveys, and report authorized by subsections (a) and (b) hereof.”

#### MILEAGE STUDY OF SYSTEM OF INTERSTATE AND DEFENSE HIGHWAY FOR ALASKA AND HAWAII

Pub. L. 86-342, title I, §105, Sept. 21, 1959, 73 Stat. 612, directed Secretary of Commerce to make a study of need for extension of National System of Interstate and Defense Highways [now Dwight D. Eisenhower System of Interstate and Defense Highways] within States of Alaska and Hawaii, and report results of such study to Congress within ten days subsequent to Jan. 4, 1960. The report was required to include recommendations as

to approximate routes and mileages thereof which should be included in such system within those States.

#### TESTS TO DETERMINE MAXIMUM DESIRABLE DIMENSIONS AND WEIGHTS FOR VEHICLES

Section 108(k) of act June 29, 1956, ch. 462, title I, 70 Stat. 381, as amended by Pub. L. 85-823, §2, Aug. 28, 1958, 72 Stat. 983, directed the Secretary of Commerce to take all action possible to expedite the conduct of a series of tests planned or conducted by the Highway Research Board of the National Academy of Sciences, in cooperation with the Bureau of Public Roads, the several States, and other persons and organizations, for the purpose of determining the maximum desirable dimensions and weights for vehicles operated on the Federal-aid highway systems, including the Interstate System, and, after the conclusion of such tests, but not later than January 3, 1961, to make recommendations to the Congress with respect to such maximum desirable dimensions and weights.

#### INVESTIGATION AND REPORT TO ASSURE AN EQUITABLE DISTRIBUTION OF THE TAX BURDEN

Section 210 of act June 29, 1956, ch. 462, title II, 70 Stat. 401, as amended by Pub. L. 85-823, §1, Aug. 28, 1958, 72 Stat. 983, directed Secretary of Commerce, in cooperation with other Federal officers and agencies (particularly Interstate Commerce Commission) and with State highway departments, to make a study and investigation of effects on design, construction, and maintenance of Federal-aid highways of (A) use of vehicles of different dimensions, weights, and other specifications, and (B) frequency of occurrences of such vehicles in traffic stream, the proportionate share of design, construction, and maintenance costs of the Federal-aid highways attributable to each class of persons using such highways and the benefits derived from use of such highways, and any direct and indirect benefits accruing to any class which derives benefits from Federal-aid highways, in addition to benefits from actual use of such highways, which are attributable to public expenditures for such highways and required final report to be made no later than Jan. 3, 1961.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 103, 104, 115, 135, 144, 151, 157 of this title; title 49 sections 111, 41714.

### § 308. Cooperation with Federal and State agencies and foreign countries

(a) The Secretary is authorized to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services, which may include depreciation on engineering and roadbuilding equipment used, shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Federal Highway Administration shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution of projects under the supervision of the Federal Highway Administration, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment, including the cost of transportation and handling, may be reimbursed to current applicable appropriations.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, §152(5), Aug. 13, 1973, 87 Stat. 276.)

## AMENDMENTS

1973—Subsec. (b). Pub. L. 93-87 substituted “Federal Highway Administration” for “Bureau of Public Roads” in two places.

### § 309. Cooperation with other American Republics

The President is authorized to utilize the services of the Federal Highway Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperating with several governments, members of the Organization of American States, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in the other American Republics for and upon the request of any agency or governmental corporation of the United States. To the extent authorized in appropriation acts, administrative funds available in accordance with subsection (a) of section 104 of this title shall be available annually for the purpose of this section.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, § 152(5), Aug. 13, 1973, 87 Stat. 276.)

## AMENDMENTS

1973—Pub. L. 93-87 substituted “Federal Highway Administration” for “Bureau of Public Roads”.

## PAN AMERICAN HIGHWAY STUDY

Pub. L. 104-59, title III, § 359(a), Nov. 28, 1995, 109 Stat. 626, provided that:

“(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

“(2) ELEMENTS.—The study shall include, at a minimum, the following elements:

“(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

“(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

“(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

“(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

“(E) Findings on the benefits to United States industry resulting from the use of United States technology and equipment in construction of improvements to the Pan American Highway.

“(F) Findings on environmental considerations, including environmental considerations relating to Darien Gap.

“(3) REPORT.—Not later than 2 years after the date of the enactment of this Act [Nov. 28, 1995], the Secretary shall transmit to Congress a report on the results of the study.”

### § 310. Civil defense

In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Transportation is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 914; Pub. L. 93-87, title I, § 152(3), Aug. 13, 1973, 87 Stat. 276.)

## AMENDMENTS

1973—Pub. L. 93-87 substituted “Secretary of Transportation” for “Secretary of Commerce”.

## TRANSFER OF FUNCTIONS

Office of Federal Civil Defense Administrator, referred to in text, abolished and functions thereof transferred to President by Reorg. Plan No. 1 of 1958, set out as a note under section 5195 of Title 42, The Public Health and Welfare. The Plan also established a new agency in the Executive Office of the President, known as the Office of Defense and Civilian Mobilization to be headed by a Director. Office redesignated as the Office of Civil and Defense Mobilization by act Aug. 26, 1958 (72 Stat. 861; 42 U.S.C. 5195 note). Civil defense functions transferred to Secretary of Defense by Executive Order No. 10952 of July 20, 1961, formerly set out as a note under section 2271 of Title 50, Appendix, War and National Defense, and remaining functions redesignated Office of Emergency Planning by act Sept. 22, 1961 (75 Stat. 630; 42 U.S.C. 5195 note). Office redesignated Office of Emergency Preparedness by act Oct. 21, 1968 (82 Stat. 1194; 42 U.S.C. 5195 note). Office of Emergency Preparedness including office of Director abolished and functions thereof transferred to President by Reorg. Plan No. 1 of 1973, set out as a note under section 5195 of Title 42.

### § 311. Highway improvements strategically important to the national defense

Funds made available under subsection (a) of section 104 of this title may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under subsection (b) of section 104 of this title may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915.)

#### NATIONAL DEFENSE HIGHWAYS LOCATED OUTSIDE UNITED STATES

Pub. L. 102-240, title I, § 1006(h), Dec. 18, 1991, 105 Stat. 1927, provided that:

“(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

“(2) FUNDING.—The Secretary may make available, from funds appropriated to construct the National System of Interstate and Defense Highways, not to exceed \$20,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996 to carry out this subsection. Such sums shall remain available until expended.”

### § 312. Detail of Army, Navy, and Air Force officers

The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Federal Highway Administration of officers of the Army, the Navy, and the Air Force, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel



and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Transportation on the same basis as authorized by law and by regulations of the Department of Defense for such officers.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 93-87, title I, § 152(5), (6), Aug. 13, 1973, 87 Stat. 276.)

#### AMENDMENTS

1973—Pub. L. 93-87 substituted “Federal Highway Administration” for “Bureau of Public Roads” and “Department of Transportation” for “Department of Commerce”.

### **[§ 313. Repealed. Pub. L. 89-564, title I, § 102(a), Sept. 9, 1966, 80 Stat. 734]**

Section, Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915, authorized the Secretary to cooperate with State highway departments and other agencies in the promotion of highway safety and authorized the expenditure of \$150,000 out of the administrative funds made available in accordance with section 104(a) of this title for the purposes of this section. See section 401 et seq. of this title.

#### INTERSTATE COMPACTS FOR HIGHWAY SAFETY

Pub. L. 85-684, Aug. 20, 1958, 72 Stat. 635, as amended by Pub. L. 88-466, Aug. 20 1964, 78 Stat. 564, provided: “That the consent of Congress is hereby given to any two or more of the several States, and one or more of the several States and the District of Columbia, to enter into agreements or compacts—

“(1) for cooperative effort and mutual assistance in the establishment and carrying out of traffic safety programs, including, but not limited to, the enactment of uniform traffic laws, driver education and training, coordination of traffic law enforcement, research into safe automobile and highway design, and research programs of the human factors affecting traffic safety, and

“(2) for the establishment of such agencies, joint or otherwise, as they deem desirable for the establishment and carrying out of such traffic safety programs.”

#### EXECUTIVE ORDER No. 10858

Ex. Ord. No. 10858, Jan. 13, 1960, 25 F.R. 373, as amended by Ex. Ord. No. 10968, Oct. 10, 1961, 26 F.R. 9667, which established the President's Committee for Traffic Safety, was revoked by section 16 of Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, formerly set out as a note under section 1652 of former Title 49, Appendix, Transportation.

#### EXECUTIVE ORDER No. 10898

Ex. Ord. No. 10898, Dec. 2, 1960, 25 F.R. 12429, as amended by Ex. Ord. No. 10986, Jan. 12, 1962, 27 F.R. 439; Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, which established the Interdepartmental Highway Safety Board, was revoked by Ex. Ord. No. 11515, Mar. 13, 1970, 35 F.R. 4543.

### **§ 314. Relief of employees in hazardous work**

The Secretary is authorized in an emergency to use appropriations to the Department of Transportation for carrying out the provisions of this title for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Federal Highway Administration engaged in hazardous work.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 93-87, title I, § 152(5), (6), Aug. 13, 1973, 87 Stat. 276.)

#### AMENDMENTS

1973—Pub. L. 93-87 substituted “Department of Transportation” for “Department of Commerce” and “Federal Highway Administration” for “Bureau of Public Roads”.

### **§ 315. Rules, regulations, and recommendations**

Except as provided in sections 204(f) and 205(a) of this title, the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this title. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915; Pub. L. 100-17, title I, § 133(b)(18), Apr. 2, 1987, 101 Stat. 172.)

#### AMENDMENTS

1987—Pub. L. 100-17 which directed that this section be amended by substituting “204(f) and 205(a)” for “204(d), 205(a), 207(b), and 208(c)” was executed by substituting “204(f) and 205(a)” for “204(d), 205(a), 206(b), 207(b), and 208(c)”, to reflect the probable intent of Congress.

### **§ 316. Consent by United States to conveyance of property**

For the purposes of this title the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 915.)

### **§ 317. Appropriation for highway purposes of lands or interests in lands owned by the United States**

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the

State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 1770.

### § 318. Highway relocation due to airport

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916.)

### § 319. Landscaping and scenic enhancement

(a) LANDSCAPE AND ROADSIDE DEVELOPMENT.—The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.

(b) PLANTING OF WILDFLOWERS.—

(1) GENERAL RULE.—The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least  $\frac{1}{4}$  of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

(2) WAIVER.—The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

(3) GIFTS.—Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 89-285, title III, § 301(a), Oct. 22, 1965, 79 Stat. 1032; Pub. L. 89-574, § 8(b), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, § 6(f), Aug. 23, 1968, 82 Stat.

818; Pub. L. 94-280, title I, § 136(a), May 5, 1976, 90 Stat. 442; Pub. L. 100-17, title I, § 130, Apr. 2, 1987, 101 Stat. 169.)

#### AMENDMENTS

1987—Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1976—Pub. L. 94-280, in revising section, struck out subsec. (a) designation for existing text; incorporated as part of the section provision of former subsec. (b) for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways; and struck out subsec. (b) designation and other subsec. (b) provisions relating to: allocation to a State out of appropriated funds an amount equivalent to 3 per centum of funds apportioned to a State for Federal-aid highways for landscape and roadside development use within the highway right-of-way, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right-of-way without being matched by the State; authorization of Secretary to except a State from the requirement upon a showing that amount is in excess of the State needs for the purposes; lapse of unused funds; appropriations authorization of \$120,000,000 for fiscal years ending June 30, 1966, and 1967, and \$20,000,000 for fiscal year ending June 30, 1970; and provision making chapter 1 respecting obligation, period of availability, and expenditure of Federal-aid primary highway funds applicable to funds authorized to be appropriated to carry out subsec. (b) after June 30, 1967.

1968—Subsec. (b). Pub. L. 90-495 inserted provisions authorizing an appropriation of not to exceed \$20,000,000 for the fiscal year ending June 30, 1970.

1966—Subsec. (b). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this subsection after June 30, 1967, the provisions of chapter 1 of this title relating to the obligations, period of availability, and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this subsection.

1965—Pub. L. 89-285 rearranged section structurally, made provision for apportionment of an amount, in addition to the state's annual apportionment, equivalent to 3 per centum of the fund annually apportioned to the state for federal-aid highways to acquire interests and improvements for restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways, authorized appropriations of \$120,000,000 for fiscal year ending June 30, 1966, and \$120,000,000 for fiscal year ending June 30, 1967, and prohibited use of Highway Trust Fund moneys in carrying out the scenic enhancement provisions.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective August 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

#### CONTINUING AVAILABILITY OF APPROPRIATED FUNDS FOR APPROPRIATION, OBLIGATION, AND EXPENDITURE

Section 136(b) of Pub. L. 94-280 provided that: "All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code [former subsec. (b) of this section], as in effect immediately before the date of enactment of this section [May 5, 1976] shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b) [former subsec. (b) of this section], notwithstanding the amendment made by the subsection (a) of this section [to this section]."

#### NATIONAL SCENIC HIGHWAY SYSTEM STUDY AND USER ACCESS STUDY FOR PARKS AND RECREATION AREAS

Pub. L. 93-87, title I, § 134, Aug. 13, 1973, 87 Stat. 268, mandated a study to determine the feasibility of a sce-

nic highway system to link together recreational, historical sites, and a study of user access to parks and recreational areas, including alternatives to private automobiles, the results of the studies to be reported to Congress no later than July 1, 1974, and Jan. 1, 1975, respectively.

#### ACQUISITION OF DWELLINGS

Prohibition against the use of eminent domain to acquire any dwelling (including related buildings) under the terms of Pub. L. 89-285, see section 305 of Pub. L. 89-285, set out as a note under section 131 of this title.

#### TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Prohibition against the taking of private property or the restriction of reasonable and existing use by such taking without just compensation under the terms of Pub. L. 89-285, see section 401 of Pub. L. 89-285, set out as a note under section 131 of this title.

### § 320. Bridges on Federal dams

(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to subsection (d) of this section for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate

subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in subsection (d) of this section. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without costs, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed \$65,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance

with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in subsection (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 917; Pub. L. 86-342, title I, §108, Sept. 21, 1959, 73 Stat. 613; Pub. L. 88-423, §4(c), Aug. 13, 1964, 78 Stat. 398; Pub. L. 91-605, title I, §116(a), Dec. 31, 1970, 84 Stat. 1724; Pub. L. 93-87, title I, §128(a), Aug. 13, 1973, 87 Stat. 265; Pub. L. 93-643, §123(a), Jan. 4, 1975, 88 Stat. 2290; Pub. L. 94-280, title I, §137(a), May 5, 1976, 90 Stat. 443; Pub. L. 95-599, title I, §128(a), Nov. 6, 1978, 92 Stat. 2707.)

#### AMENDMENTS

1978—Subsec. (d).	Pub. L. 95-599	substituted
“\$65,000,000” for “\$50,000,000”.		
1976—Subsec. (d).	Pub. L. 94-280	substituted
“\$50,000,000” for “\$27,761,000”.		
1975—Subsec. (d).	Pub. L. 93-643	substituted
“\$27,761,000” for “\$25,261,000”.		
1973—Subsec. (d).	Pub. L. 93-87	substituted
“\$25,261,000” for “\$16,761,000”.		
1970—Subsec. (d).	Pub. L. 91-605	substituted
“\$16,761,000” for “\$13,000,000”.		
1964—Subsec. (b).	Pub. L. 88-423	substituted “which
such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with” for “such State, shall enter into an agreement with such agency and with which such		

bridge is to be located, or the appropriate subdivision of”.

1959—Subsec. (d). Pub. L. 86-342 substituted “\$13,000,000” for “\$10,000,000”.

#### APPROPRIATION OUT OF HIGHWAY TRUST FUND OF SUMS APPROPRIATED UNDER AUTHORITY OF INCREASED AUTHORIZATION

Section 128(b) of Pub. L. 95-599 provided that: “Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section [amending subsec. (d) of this section] shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1978, and for subsequent fiscal years.”

#### APPROPRIATION OF INCREASED AUTHORIZATION

Section 137(b) of Pub. L. 94-280 provided that: “Sums appropriated or expended under authority of the increased authorization established by the amendment made by subsection (a) of this section [to subsec. (d) of this section] shall be appropriated out of the Highway Trust Fund for the fiscal year ending September 30, 1977, and for subsequent fiscal years.”

#### RESTRICTION ON INCREASED AUTHORIZATION OF APPROPRIATIONS

Section 116(b) of Pub. L. 91-605 provided that: “All sums appropriated under authority of the increased authorization of \$3,761,000 established by the amendment made by subsection (a) of this section [amending subsec. (d) of this section] shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.”

Section 123(b) of Pub. L. 93-643 provided that: “All sums appropriated under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be available for expenditure in the same manner and for the same purpose as provided for in subsection (b) of section 116 of the Federal-Aid Highway Act of 1970 (Public Law 91-605).”

Section 128(b) of Pub. L. 93-87 provided that: “All sums appropriated under authority of the increased authorization of \$8,500,000 established by the amendment made by subsection (a) of this section [to subsec. (d) of this section] shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of \$2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of \$6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.”

### § 321. National Highway Institute

(a) ESTABLISHMENT; DUTIES; PROGRAMS.—

(1) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (hereinafter in this section referred to as the “Institute”).

(2) DUTIES.—The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training

programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, and United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways.

(3) TYPES OF PROGRAMS.—Programs which the Institute may develop and administer may include courses in modern developments, techniques, management, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities, and inspection.

(b) SET-ASIDE; FEDERAL SHARE.—Not to exceed  $\frac{1}{16}$  of 1 percent of all funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State highway department for payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

(2) in any case in which education and training are to be paid for under subsection (b), by the State (subject to the approval of the Secretary) through grants and contracts with public and private agencies, institutions, individuals, and the Institute; except that private agencies and individuals shall pay the full cost of any education and training received by them.

(d) TRAINING FELLOWSHIPS; COOPERATION.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section, including the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), any other national or international entity, or any other person.

(e) COLLECTION OF FEES.—

(1) GENERAL RULE.—The Institute may, in accordance with this subsection, assess and collect fees solely to defray the costs of the Institute in developing and administering education and training programs under this section.

(2) LIMITATION.—Fees may be assessed and collected under this subsection only in a man-

ner which may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount which does not exceed the aggregate amount of the costs referred to in paragraph (1) for the fiscal year.

(3) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

(A) persons and entities for whom education or training programs are developed or administered under this section; and

(B) persons and entities to whom education or training is provided under this section.

(4) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner which ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in paragraph (1) which relate to such person or entity.

(f) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under section 104(a). The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected under subsection (e) and may be administered by the Secretary as a fund which shall be available until expended.

(g) CONTRACTS.—The provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) shall not be applicable to contracts or agreements made under the authority of this section.

(Added Pub. L. 91-605, title I, §115(a), Dec. 31, 1970, 84 Stat. 1723; amended Pub. L. 96-106, §11, Nov. 9, 1979, 93 Stat. 798; Pub. L. 100-17, title I, §131, Apr. 2, 1987, 101 Stat. 170; Pub. L. 102-240, title VI, §6002, Dec. 18, 1991, 105 Stat. 2166.)

#### AMENDMENTS

1991—Pub. L. 102-240 amended section generally, revising and expanding existing subsecs. (a) to (c) and adding subsecs. (d) to (g).

1987—Subsecs. (b), (c). Pub. L. 100-17 amended subsecs. (b) and (c) generally. Prior to amendment, subsecs. (b) and (c) read as follows:

“(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

“(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions and individuals.”

1979—Subsec. (b). Pub. L. 96-106 substituted “paragraphs (1), (2),” for “paragraphs (1), (2), (3)” and “75 per centum” for “70 per centum”.

**[§ 322. Repealed. Pub. L. 100-17, title I, § 133(e)(1), Apr. 2, 1987, 101 Stat. 173]**

Section, added Pub. L. 91-605, title II, §205(a), Dec. 31, 1970, 84 Stat. 1742; amended Pub. L. 93-643, §117, Jan. 4,

1975, 88 Stat. 2288; Pub. L. 97-449, §5(d)(3), Jan. 12, 1983, 96 Stat. 2442, related to demonstration projects for elimination or protection of certain ground-level rail-highway crossings and required study of problem of providing increased highway safety at public and private ground-level rail-highway crossings on nationwide basis through elimination of such crossings or otherwise, and report to Congress on such study not later than July 1, 1972.

### § 323. Donations

(a) DONATIONS OF PROPERTY BEING ACQUIRED.—Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been fully informed of his right to receive just compensation for the acquisition of his property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine.

(b) CREDIT FOR DONATED LANDS.—

(1) GENERAL RULE.—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply to donations made by an agency of a Federal, State, or local government.

(4) LIMITATION ON AMOUNT OF CREDIT.—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State highway department shall be credited against the State share.

(d) PROCEDURES.—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation

prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.

(Added Pub. L. 93-87, title I, §145(a), Aug. 13, 1973, 87 Stat. 273; amended Pub. L. 93-643, §112, Jan. 4, 1975, 88 Stat. 2285; Pub. L. 100-17, title I, §146(a), Apr. 2, 1987, 101 Stat. 179; Pub. L. 104-59, title III, §322, Nov. 28, 1995, 109 Stat. 591.)

#### REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 100-17, which was approved Apr. 2, 1987.

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### AMENDMENTS

1995—Subsecs. (c), (d). Pub. L. 104-59 added subsec. (c) and redesignated former subsec. (c) as (d).

1987—Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

1975—Pub. L. 93-643 substituted “after he has been fully informed of his right to receive just compensation for the acquisition of his property” for “after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property”.

### § 324. Prohibition of discrimination on the basis of sex

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

(Added Pub. L. 93-87, title I, §162(a), Aug. 13, 1973, 87 Stat. 280.)

#### REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete

classification of this Act to the Code, see Short Title note set out under section 2000d of Title 42 and Tables.

### § 325. International highway transportation outreach program

(a) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include—

(1) development, monitoring, assessment, and dissemination domestically of information about foreign highway transportation innovations that could significantly improve highway transportation in the United States;

(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

(3) informing other countries about the technical quality of American highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

(4) offering those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects if the costs for assistance will be recovered under the terms of each project; and

(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development as of the date of the enactment of this section, and in Greece and Turkey.

(b) COOPERATION.—The Secretary may carry out the authority granted by this section, in cooperation with appropriate United States Government agencies and any State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or any other organization or person.

(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.

(Added Pub. L. 102-240, title VI, § 6003[(a)], Dec. 18, 1991, 105 Stat. 2168.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a)(5), is the date of enactment of Pub. L. 102-240, which was approved Dec. 18, 1991.

### § 326. Education and training program

(a) AUTHORITY.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies in (1) urbanized areas of 50,000 to 1,000,000 population, and (2) rural areas, access to modern highway technology.

(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts for education and training, technical assistance, and related support service that will—

(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas (including pavement, bridge and safety management systems), to improve roads and bridges, to enhance programs for the movement of passengers and freight, to deal effectively with special road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials, and developing a tourism and recreational travel technical assistance program;

(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

(3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with 2 or more urbanized areas of 50,000 to 1,000,000 population, and (B) rural technical assistance program centers.

Not less than 2 centers under paragraph (3) shall be designated to provide transportation assistance that may include, but is not necessarily limited to, a “circuit-rider” program, providing training on intergovernmental transportation planning and project selection, and tourism recreational travel to American Indian tribal governments.

(c) FUNDS.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of \$6,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including up to 100 percent for services provided to American Indian tribal governments.

(Added Pub. L. 102-240, title VI, § 6004(a), Dec. 18, 1991, 105 Stat. 2169.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 204 of this title.

### CHAPTER 4—HIGHWAY SAFETY

Sec.	
401.	Authority of the Secretary.
402.	Highway safety programs.
403.	Highway safety research and development.
404.	National Highway Safety Advisory Committee.
405.	Repealed.
406.	School bus driver training.
407.	Innovative project grants.